

---

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations impose requirements and prohibitions in relation to the carriage of dangerous goods by road and by rail and, in so far as they relate to safety advisers, by inland waterway. In doing so they implement certain Directives as respects Great Britain.

First, the Regulations implement Council Directive [94/55/EC](#) (O.J. No. L319, 12.12.94, p. 7) on the approximation of the laws of Member States with regard to the transport of dangerous goods by road (as last amended by Commission Directive [2006/89/EC](#) adapting for the sixth time to technical progress Council Directive [94/55/EC](#) on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road (O.J. No. L305, 4.11.2006, p. 4.)). This Directive applies the Annexes to the European Agreement concerning the International Carriage of Dangerous Goods by Road signed at Geneva on 30th September 1957, as amended (“ADR”) (Current Edition: 2007).

Secondly, the Regulations implement Council Directive [96/49/EC](#) (O.J. No. L235, 17.9.96, p. 25) on the approximation of the laws of Member States with regard to the transport of dangerous goods by rail (as last amended by Commission Directive [2006/90/EC](#) adapting for the seventh time to technical progress Council Directive [96/49/EC](#) on the approximation of the laws of the Member States with regard to the transport of dangerous goods by rail (O.J. No. L305, 4.11.2006, p. 6.)). This Directive applies the Annex to the Regulation concerning the International Carriage of Dangerous Goods by Rail (“RID”) which forms Appendix C to the Convention concerning International Carriage by Rail (“COTIF”) (Current Edition: 2007).

Thirdly, the Regulations implement Council Directive [96/35/EC](#) of 3rd June 1996 on the appointment and vocational qualification of safety advisers for the transport of dangerous goods by road, rail and inland waterway (O.J. No. L145, 19.6.1996, p. 10) and the connected Directive [2000/18/EC](#) of the European Parliament and of the Council of 17th April 2000 on minimum examination requirements for safety advisers for the transport of dangerous goods by road, rail or inland waterway (O.J. No. L118, 19.5.2000, p. 41.)

Fourthly, the Regulations implement Council Directive [1999/36/EC](#) of 29th April 1999 on transportable pressure equipment (O.J. No. L138, 1.6.1999, p. 20) as last amended by Commission Directive [2002/50/EC](#) of 6 June 2002 (O.J. No. L149, 7.6.2002, p. 28).

Fifthly, the Regulations implement Article 5 of Title II (Prior Information) of Council Directive [89/618/Euratom](#) of 27 November 1989 on informing the general public about health protection measures to be applied and steps to be taken in the event of a radiological emergency (OJ No. L357, 7.12.1989, p. 31) and Title IX, Section 1 (Intervention in cases of radiological emergency) of Council Directive [96/29/Euratom](#) of 13th May 1996 laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionizing radiation (O.J. No. L159, 29.6.1996, p. 1), in so far as Section 1 of Title IX is relevant to carriage by road and by rail.

Except in so far as these Regulations implement the amendments to Directive [94/55/EC](#) made by Directive [2006/89/EC](#) and the amendments made to Directive [96/49/EC](#) by Directive [2006/90/EC](#), the Directives implemented by these Regulations have previously been implemented by earlier Regulations. The most recent implementation of Directives [94/55/EC](#), [96/49/EC](#), [96/35/EC](#), [2000/18/EC](#) and [1999/36/EC](#) was by the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004 (S.I. [2004/568](#)) as amended by S.I. [2005/1732](#) (“the old carriage Regulations”) except in relation to certain aspects of the carriage of radioactive material by road, in relation to which the most recent implementation was by the Radioactive Material (Road

**Changes to legislation:** *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2007. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Transport) Regulations 2002 (S.I. 2002/1093) (“the old road Regulations”), as amended by S.I. 2003/1867. The implementation of Directives 94/55/EC and 96/49/EC (to the extent they relate to safety advisers), 96/35/EC and 2000/18/EC was achieved by the 2004 Regulations requiring compliance with the provisions of Section 1.8.3 of ADR, in relation to carriage by road and by inland waterway, or of RID in relation to carriage by rail. The most recent implementation of Article 5 of Title II of 89/618/Euratom and Section 1 of Title IX of 96/29/Euratom was, in relation to carriage by road, by the old road Regulations and in relation to carriage by rail by the Radiation (Emergency Preparedness and Public Information) Regulations 2001 (S.I. 2001/2975), as amended by S.I. 2002/2099. Both the old carriage Regulations and the old road Regulations are revoked by these Regulations.

Part 1 of the Regulations contains introductory provisions. Regulation 2 defines terms used in the Regulations. Regulations 3 to 7 contain other introductory provisions, including, in regulation 6, setting out who the competent authority for Great Britain is under these Regulations. Regulations 8 to 37 define the scope of the Regulations.

Part 2 of the Regulations imposes requirements contained within ADR and RID concerning general requirements (regulations 38 to 46), classification (regulations 47 and 48), the dangerous goods list, special provisions and goods packed in limited quantities (regulations 49 and 50), packing and tank provisions (regulations 51 and 52), consignment procedures (regulation 53), construction and testing (regulations 54 to 61), carriage, loading, unloading and handling (regulation 62), vehicle crews, equipment, operation and documentation (regulations 63 and 64) and the construction and approval of vehicles (regulation 65.) By the imposition of the requirements of ADR and of RID in relation to safety advisers, Directives 96/35/EC and 2000/18/EC are implemented. Part 2 also, by the introduction of Schedule 5, implements the requirements of Article 5 of Title II of 89/618/Euratom and Section 1 of Title IX of 96/29/Euratom in relation to carriage by road and by rail.

Part 3 of the Regulations sets out obligations in relation to the competent authority functions contained in ADR and RID. Regulation 66 sets out the functions of the competent authority for Great Britain. Regulation 67 provides for the appointment of people by the competent authority to carry out competent authority functions. Regulation 68 provides that fees may be charged in connection with the performance of competent authority functions. Regulation 69 contains provision relating to the appointment of bodies and experts to carry out tasks set out in ADR and RID. Regulation 70 deems certain things done under previous legislation to have been a function performed under regulation 66.

Part 4 of the Regulations imposes the requirements of the Transportable Pressure Equipment Directive for placing transportable pressure equipment on the market and using it at work (regulations 73 and 74), reassessing the conformity of existing transportable pressure equipment (regulation 75), inspections (regulation 76), notified and approved bodies for inspecting transportable pressure equipment (regulations 77 to 79) and the use of a conformity mark (regulation 80).

Part 5 of the Regulations imposes requirements which are additional to or alternatives to the requirements of RID and ADR. These concern requirements for the carriage of explosives (and, in the case of regulation 85, class 7 goods) by road and rail (regulations 81 to 87 and 89), the marshalling and formation of trains (regulation 88), the keeping of information (regulation 90) and placarding requirements for carriage within Great Britain (regulation 91).

Part 6 of the Regulations contains miscellaneous provisions concerning enforcement (regulation 92), a defence (regulation 93), amendments (regulation 94) and revocations (regulation 95).

ADR (both the agreement and the Annexes) may be downloaded without charge from the relevant part of the United Nations Economic Commission for Europe website which is:

<http://www.unece.org/trans/danger/publi/adr/adr2007/07ContentsE.html>

**Changes to legislation:** There are outstanding changes not yet made by the [legislation.gov.uk](http://legislation.gov.uk) editorial team to *The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2007*. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

COTIF (including the protocol of Vilnius and Appendix C to COTIF (but not the text of the Annex to the Appendix)) may be downloaded without charge from the relevant part of the Intergovernmental Organisation for International Carriage by Rail (known as OTIF) website which is:

[http://www.otif.org/html/e/pub\\_cotif\\_03\\_06\\_1999.php](http://www.otif.org/html/e/pub_cotif_03_06_1999.php)

The 2007 edition of RID (including the text of the Annex to Appendix C) may be purchased (including as an electronic version) from the Stationery Office (including its online bookshop.) The relevant link to the online bookshop is:

<http://www.tsoshop.co.uk/bookstore.asp?Action=Book&ProductId=8086206289>

Documents describing the differences between the 2005 and 2007 editions of ADR and RID may be downloaded from the following part of the Department for Transport website:

<http://www.dft.gov.uk/pgr/freight/dgt1/overview/international/>

A full regulatory impact assessment (“RIA”) of the effect that this instrument will have on the costs of business and the voluntary sector may be obtained from the Dangerous Goods Division of the Department for Transport, Zone 2/24, Great Minster House, Marsham Street, London, SW1P 4DR. The telephone number is 020 7944 2755 and the e-mail address is [dangerousgoods@dft.gsi.gov.uk](mailto:dangerousgoods@dft.gsi.gov.uk). The RIA may also be downloaded from the Department for Transport website which is:

<http://www.dft.gov.uk/>

and is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website ([www.opsi.gov.uk](http://www.opsi.gov.uk)).

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2007. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- Regulations revoked by [S.I. 2009/1348 reg. 33](#)